

GR 26 Standards
WASHINGTON STATE JUDICIAL EDUCATION
MANDATORY CONTINUING JUDICIAL EDUCATION STANDARDS

Section I: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Court Education Committee (CEC)

The Court Education Committee is a standing committee of the BJA and assists the Supreme Court and the BJA in developing educational policies and standards for the court system. The CEC provides budget and appropriation support, monitors the quality of educational programs, coordinates in-state and out-of-state educational programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education (MCJE)

The responsibilities of the CEC will be to:

- (a) Administer General Rule (GR) 26;
- (b) Establish operating procedures consistent with this rule;
- (c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

5. Administrative Office of the Courts (AOC)

(a) *Administrative Office the Courts.* Under the direction of the Supreme Court and CEC, the (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. The AOC will also track and monitor attendance at continuing judicial education programs accredited by the CEC.

(b) *Office of Trial Court Services and Judicial Education.* The Judicial Education Unit of AOC shall work with the CEC educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit shall coordinate all CEC judicial education programs, provide staff for the CEC, and evaluate educational programs. Further, the Judicial Education Unit staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

AOC shall maintain the official transcript for each judicial officer based on: (1) attendance records at all CEC accredited education programs; (2) the attendance records of accredited

sponsors based on their submissions; and (3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section II: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

During his or her three (3)-year reporting cycle, each judicial officer must complete forty-five (45) hours of CJE credits, six (6) of which are in the area of judicial ethics. This requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the CEC, as described below.

(a) At least thirty (30) hours, of which at least four (4) hours are in the area of judicial ethics, must be completed by attending accredited courses. “Attending” is defined as (1) presenting for, or being present in the audience at, an accredited CJE course when and where the course is being presented; (2) presenting for, or participating through an electronic medium in, an accredited CJE course at the time the course is being presented; or (3) participating through an electronic medium in an accredited CJE course that has been prerecorded, but for which faculty are available to answer questions while the course is being presented.

(b) Up to fifteen (15) hours, of which up to two (2) hours are in the area of judicial ethics, may be completed through self-study by listening to, or watching, pre-recorded accredited CJE courses. Judicial officers completing credits by self-study must report them to the AOC.

(c) Up to fifteen (15) hours, of which up to two (2) hours are in the area of judicial ethics, may be completed through teaching at accredited CJE courses and/or publishing legal writing. A judicial officer may complete up to three (3) hours of teaching credits for each hour of presentation. Credits for published legal writing must be approved by the CEC. Judicial officers completing credits by teaching or writing must report them to the AOC.

(d) Up to three (3) hours may be completed by visits to correctional and similar institutions. Judicial officers completing credits by institutional visits must report them to the AOC.

(e) Judicial officers may attend a combination of approved local, state, or national programs.

(f) A judicial officer may complete credits through other courses that directly aid the judicial officer in performing his or her specific judicial duties and are approved by the CEC.

2. Carry-Over

If a judicial officer completes more than forty-five (45) such credit hours in a three (3)-year reporting period, up to fifteen (15) hours of excess credits may be carried forward and applied to the judicial officer’s education requirement for the following three (3)-year reporting period. The fifteen (15) credit hours that may be carried forward may include two (2) credit hours toward the ethics requirement.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within twelve (12) months of initial appointment or election to the judicial office.

4. Credit Calculation

Credit is calculated on the basis of one (1) credit for each sixty (60) minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section III: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- (a) Washington State Supreme Court,
- (b) Administrative Office of the Courts,
- (c) Judicial education programs of Court Education Committee (CEC),
- (d) Court of Appeals (COA),
- (e) Superior Court Judges' Association (SCJA),
- (f) District and Municipal Court Judges Association (DMCJA),
- (g) Minority and Justice Commission,
- (h) Commission on Gender and Justice.

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- (a) The National Judicial College in Reno, including the University of Nevada Masters and PhD in Judicial Studies and Web-based programs.
- (b) American Academy of Judicial Education,
- (c) New York University's Appellate Judges Seminar,
- (d) University of Virginia's Master of Laws in the Judicial Process (LLM),
- (e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges,
- (f) Programs approved for Tuition Assistance by CEC,
- (g) The Judicial Division of the American Bar Association (ABA),
- (h) The Judicial Divisions of all National Bar Associations:
 - 1. National Asian Pacific Bar Association,

2. National Bar Association,

3. Hispanic National Bar Association.

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the AOC an agenda of the program, which will be submitted to the CEC for possible accreditation. Courses approved by the Washington State Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

Definitions. The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before

(a) The judicial officer; judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.

(b) *Factors in Evaluating.* Factors which should be considered in evaluating a course include:

(1) The topic, depth, and skill level of the material;

(2) The level of practical and/or academic experience or expertise of the presenters or faculty;

(3) The intended audience;

(4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. Programs That Do Not Qualify

The following activities will not qualify for CJE credit:

(a) Continuing Professional Education courses that do **not** relate to substantive legal topics, statutory, constitutional or procedural issues that come before the judicial officer when performing his or her specific judicial duties;

(b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit;

(c) Jury duty;

(d) Judging or participating in law school or mock trial competitions;

- (e) Serving on professional (judicial or legal) committees/associations;

6. Appeals

A judicial officer may appeal the denial of program accreditation by the CEC. The appeal may be in the form of a letter addressed to the Chair of the BJA that outlines the basis for the judicial officer's request. The Chair of the BJA shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the CEC.

Section IV: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a judicial education program to report judicial officer attendance and credits for all approved CJE courses to the AOC.

2. Individuals

(a) It is the responsibility of **individual judicial officers** to file a report of their attendance when it is less than the full program provided, for programs sponsored by Washington State Judicial Branch entities.

(b) It is the responsibility of the judicial officer to request accreditation for attendance for programs of other judicial educational sponsors (see Section 4.2. list of sponsors).

(c) It is the responsibility of the **individual judicial officers** to submit requests for accreditation for other continuing professional education programs, credit for teaching, published judicial legal writing, or self-study to the AOC which shall present those to the CEC for review and determination.

3. Deadline

Absent exigent circumstances, sponsors and individual judicial officers must report attendance within 30 days after completion of a CJE activity.

Section V: Certification

1. Compliance

The AOC will send out a reminder of the end-of-the-year reporting requirement via judicial officers Listservs each year in August. The AOC, by January 1, will provide a progress report to every judicial officer of the programs they have attended during the previous calendar year. After reviewing that progress report, judicial officers must either:

(a) Confirm it as an accurate record of their progress toward compliance with the rule, or;

(b) Provide additional information on programs attended with accompanying documentation and;

(c) File that report with the AOC on or before January 31 each year. If a judicial officer does not respond by January 31, their credits will be confirmed by default.

AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of GR 26. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet Web site, publishing the information as part of any voter's guide produced by or under the direction of the AOC, and releasing the information in electronic or printed form to media organizations throughout Washington State.

The report will include the names of all judicial officers who fail to obtain the requisite number of education credits during their three-year reporting period, or the requirements of Judicial College attendance.

2. Three-Year Reporting Periods

Three-year reporting periods will be created as follows:

(a) Group 1 are those judicial officers present as of January 1, 2003, and those who begin service every subsequent third year: 2006, 2009, 2012, 2015, 2018, 2021, 2024, 2027, 2030, etc.;

(b) Group 2 are those judicial officers who begin service in 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, etc.;

(c) Group 3 are those judicial officers who begin service in 2005 and every subsequent third year: 2008, 2011, 2014, 2017, 2020, 2023, 2026, 2029, 2032, etc.

The three-year reporting period for each new judicial officer begins on January 1 nearest their appointment or election.

3. Delinquency

Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

Section VI: Approval

These standards were approved by the Board for Court Education on August 25, 2003, and by Washington Supreme Court in Court Order 786 on December 4, 2003.

Comments or suggestions regarding the application of the standards or revisions of the standards can be sent to the Manager of The Office of Trial Court Services and Judicial Education or the Chair of the CEC.

[Adopted effective July 1, 2002; amended effective November 26, 2002; December 31, 2003; December 31, 2007; January 1, 2013; December 8, 2015.]